

REMARKS

Applicants have canceled claims 9-12, 16 and 33-42 and amended claim 43 in order to place the application in better condition for allowance or appeal. No new claims have been added. No new matter has been added to the application by virtue of the present response.

Therefore, claim 43 is pending in the subject application by virtue of the present amendment. It is respectfully requested that the pending claim 43 be considered and passed to issuance.

Claim Rejections

Examiner Richard Bueker has rejected claims 9-12, 16, 33-42 under 35 U.S.C. 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tom (USP 5,704,965); and, claims 9-12, 16 and 33-42 under 35 U.S.C. 102(e) as anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wang (USP 6,453,924).

In this Amendment, Applicants have canceled claims 9-12, 16 and 33-42 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 9-12, 16 and 33-43, prior to this Amendment is not patentable over the art cited by the Examiner. Claims 9-12, 16 and 33-42 were canceled in this Amendment solely to facilitate expeditious prosecution of this application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 9-12, 16 and 33-43, as presented prior to this Amendment and additional claims in one or more continuing applications.

Therefore, Applicants believe that the rejection of the claims under 35 U.S.C. 102(b), (e) and 35 U.S.C. 103(a) have been overcome.

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Claim Rejections - 35 U.S.C. 112, first paragraph

Examiner Richard Bueker rejected claim 43 under 35 U.S.C. 112, first paragraph. The Examiner stated in the Final Office Action dated July 25, 2008 that “[T]he pressure range limitation of 200 mTorr or less is not supported by the specification as originally filed.” Further, in an Advisory Action dated December 24, 2008, the Examiner stated in greater detail the reason for this rejection: “... the pressure range of “about 200 mTorr or less”, which is an open ended range, is clearly not within the pressure range of “about 100 mTorr to about 200 mTorr”.”

Applicants have amended claim 43 to recite the limitation of “... a substantially uniform process chamber pressure between about 100 mTorr to about 200 mTorr ...”. Claim 43, as amended, recites a close ended pressure range which is supported by the specification as originally filed, thus, the added limitation is not new matter. Applicants refer the Examiner to, for example, paragraph [0024] of the specification as originally filed which states:

“... process chamber 20 is pumped down to a pressure between about 100 mTorr to about 200 mTorr, preferably to about 150 mTorr. At a pressure of about 150 mTorr, liquid hexane desorbs from block 28 resulting in carbon-containing gas 32 due to low pressure in process chamber 20.”

Applicants note that the only rejection to claim 43 was under 35 U.S.C. 112, first paragraph, and that no rejection of claim 43 was made under 35 U.S.C. 102 or 103. Therefore, Applicants believe the rejection to claim 43 under 35 U.S.C. 112, first paragraph has been overcome and that claim 43 is now under condition for allowance.

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CONCLUSION

Applicants respectfully submit that the entire application is in condition for allowance. However, the Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application. A fee for an RCE and a two month extension of time is due by virtue of this amendment and will be charged to Applicants' Deposit Account, 09-0456, contemporaneously with the filing of this response, as well as any other fee which the PTO determines are due.

Respectfully Submitted,

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